

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 6, 2010
POSITION: Oppose

BILL NUMBER: AB 2340
AUTHOR: W. Monning

BILL SUMMARY: Employees Right to Bereavement Leave

This bill would add the right for an employee to inquire about, request, or take up to three days of unpaid leave for the death of specified relatives and excludes employees under valid collective bargaining agreements providing for bereavement leave and other working conditions as specified.

FISCAL SUMMARY

The Department of Industrial Relations (DIR) indicates this bill could result in an increase in the number of complaints received but is unable to quantify that impact. While there is a current backlog in enforcement cases, which may increase, costs associated with this bill are likely to be minor and absorbable within existing resources. Any request for additional resources is subject to review and approval through the annual budget process.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the original version are minor technical amendments and do not alter our position. The amendments restate the same provisions in the prior version of the bill.

COMMENTS

This bill is nearly identical to SB 549 (Corbett) from the 2007-08 legislative session, which was vetoed by the Governor because, along with other measures, it significantly expanded workplace leave laws when California already has stronger employment and workplace protection laws than other states creating a difficult environment for businesses. Therefore, Finance is opposed to this bill.

Existing law provides employee protections for both paid and unpaid leave for various situations including the birth of a child, jury duty, school visits, voting, and military leave. Under these provisions an employer may not discharge, discipline, or discriminate against the employee for taking or requesting time off. This bill adds the right for an employee to take unpaid time off in the event of the death of certain relatives. Specifically, this bill includes the following:

- Prohibits the employer from discharging, disciplining, or discriminating against an employee for requesting or taking up to three days bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, or domestic partner;
- Requires the bereavement leave to be completed within 13 months after the death, as specified;
- States the bereavement leave is to be unpaid, but allows the employee to use vacation, personal leave, or compensatory time off that is otherwise available to the employee;
- Excludes state employees if an existing collective bargaining agreement provides for bereavement leave;
- Permits the employer to require documentation of the death;
- Grants employees the right to recover actual damages if the employee is discriminated against; and,

Analyst/Principal (0250)Jesse McGuinn	Date	Assistant Program Budget Manager	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

W. Monning

May 6, 2010

AB 2340

- Specifies an employee may either file a complaint with the Division of Labor Standards Enforcement or bring a civil action in a court of competent jurisdiction for violations of this section.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
7350/DIR	SO	No	----- No/Minor Fiscal Impact -----						3152

Fund Code

3152

Title

Labor Enforcement and Compliance Fund